

Message Text

CONFIDENTIAL

PAGE 01 STATE 246089

61

ORIGIN EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00

DODE-00 PM-03 INR-05 L-02 NSAE-00 NSC-05 PA-01 RSC-01

PRS-01 SP-02 SS-15 IO-10 ACDA-05 NIC-01 SAJ-01 OMB-01

CIEP-01 SCA-01 /068 R

DRAFTED BY EUR/CE:RWBECKER:DPL

APPROVED BY EUR:JGLOWENSTEIN

L/EUR - MR. SMALL

EUR/CE - MR. DAVIS

EUR/SOV - MR. HUMPHREY

----- 029193

O R 080047Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY BONN IMMEDIATE

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO

AMEMBASSY PARIS

C O N F I D E N T I A L STATE 246089

E.O. 11652: GDS

TAGS: PFOR, WB, UK, US, FR, UR, GW

SUBJECT: REPLY TO SOVIET PROTEST ON FRG CONSULAR LAW

REFERENCES: A) BONN 16475, B) USBERLIN 1935, C) BERLIN 1429

1. DEPARTMENT AGREES WITH USBER ON NEED TO FURTHER MODIFY
DRAFT RESPONSE TO SOVIETS, BUT WOULD GO SOMEWHAT BEY-
OND SUGGESTIONS REFTEL B IN THIS REGARD. IN PARTICULAR,
WE FEEL IT IS NECESSARY TO ELIMINATE ENTIRELY SECOND
SENTENCE OF PARA 2 OF DRAFT TEXT (REFTEL A) TO AVOID
GIVING IMPRESSION THAT WE ATTACH ANY SPECIAL IMPORTANCE
TO OR IN ANY WAY ACCEPT VALIDITY OF SOVIET VIEW THAT MAT-
TERS OF CONSULAR REPRESENTATION COULD IN SOME WAY
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 246089

AFFECT SECURITY AND STATUS OF WEST BERLIN. WE WOULD PRE-

FER ELIMINATION OF FIRST SENTENCE AND OPENING PHRASES
OF SECOND SENTENCE OF PARA 3 OF DRAFT TEXT REFTEL A.

2. WE CONCUR WITH USBER SUGGESTION TO CHANGE TERMINOLOGY
DESCRIBING WESTERN AUTHORIZATION TO FRG TO REPRESENT WSB
IN CONSULAR MATTERS (PARA 3 REFTEL B).

3. TEXT OF ALLIED REPLY WOULD THEN READ AS FOLLOWS:

BEGIN TEXT: IN REPLY TO YOUR ORAL COMMUNICATION OF 21
AUGUST ABOUT THE DRAFT FEDERAL LAW ON "CONSULAR OFFICERS,
THEIR DUTIES AND COMPETENCES", I HAVE BEEN INSTRUCTED TO
INFORM YOU OF THE FOLLOWING:

A. THE THREE WESTERN POWERS LONG AGO AUTHORIZED THE
FEDERAL GOVERNMENT TO PERFORM THE FULL RANGE OF CON-
SULAR SERVICES FOR THE WESTERN SECTORS OF BERLIN AND
ITS RESIDENTS. IN PARTICULAR, THEY AUTHORIZED THE
EXTENSION OF THE FRG TO THE WSB OF THE VIENNA CONVENTION
ON CONSULAR RELATIONS OF APRIL 24, 1963. THIS AUTHORI-
ZATION WAS GIVEN UNDER THE ESTABLISHED PROCEDURES AND
SUBJECT TO APPROPRIATE RESERVATIONS BY THE ALLIED AUTHORI-
TIES ENSURING THAT ALLIED RIGHTS AND RESPONSIBILITIES,
IN PARTICULAR THOSE RELATING TO STATUS AND SECURITY
ARE NOT THEREBY AFFECTED.

B. THE SOVIET GOVERNMENT, FOR ITS PART, STATED IN THE
QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 THAT PRO-
VIDED MATTERS OF STATUS AND SECURITY ARE NOT AFFECTED
IT WILL RAISE NO OBJECTION TO THE PERFORMANCE BY THE
FEDERAL REPUBLIC OF GERMANY OF CONSULAR SERVICES FOR
PERMANENT RESIDENTS OF THE WESTERN SECTORS OF BERLIN.

C. THE DRAFT FEDERAL LAW IN QUESTION DEALING WITH THE
DUTIES AND COMPETENCIES OF CONSULAR OFFICERS OF THE
FRG IS NOT OF SUCH A NATURE AS TO AFFECT THE STATUS
AND SECURITY OF BERLIN. IN THIS CONNECTION THE THREE
WESTERN POWERS WISH TO RECALL AND CONFIRM THE TERMS
OF THE COMMUNICATION MADE TO YOUR EMBASSY ON 9 AUGUST
ON "QUESTIONS OF NATIONALITY".

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 246089

D. REGARDING THE USE OF THE TERM "LAND BERLIN" THE
THREE POWERS REAFFIRM THEIR POSITION SET OUT IN THEIR
COMMUNICATIONS OF FEBRUARY 22, 1973.

E. THE ALLIED AUTHORITIES CONSIDER THAT, FOR THE REASONS
GIVEN, THE ADOPTION IN BERLIN OF THE DRAFT FEDERAL
LAW ON CONSULAR OFFICERS WOULD BE ENTIRELY COMPATIBLE

WITH THE PROVISIONS OF THE QUADRIpartite AGREEMENT
OF 3 SEPTEMBER 1971. END TEXT.

4. US REP SHOULD PROPOSE NEW TEXT IN BONN GROUP AND
PRESS FOR SPEEDY AGREEMENT SO THAT LONG OVERDUE
ANSWER TO SOVIETS MAY BE DELIVERED WITHOUT FURTHER
UNNECESSARY DELAY. INGERSOLL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, DIPLOMATIC PROTESTS, CONSULAR SERVICES
Control Number: n/a
Copy: SINGLE
Draft Date: 08 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE246089
Document Source: CORE
Document Unique ID: 00
Drafter: RWBECKER:DPL
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740321-0135
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741158/aaaabxix.tel
Line Count: 122
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A) BONN 16475, B) USBERLIN 1935, C), BERLIN 1429
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 29 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 MAR 2002 by worrelsw>; APPROVED <24 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REPLY TO SOVIET PROTEST ON FRG CONSULAR LAW
TAGS: PFOR, WB, UK, US, FR, UR, GE
To: BONN
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005